

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

FILED

JAN 11 2019

Clerk, U S District Court  
District Of Montana  
Billings

VICTOR CHARLES FOURSTAR,  
JR.,

Plaintiff,

vs.

MONTANA GOVERNOR STEVE  
BULLOCK, et al.,

Defendants.

Cause No. CV 18-36-GF-SPW

ORDER

This action was dismissed on December 6, 2018. On January 3, 2019, Plaintiff Fourstar moved to amend the judgment under Federal Rule of Civil Procedure 59(e) so that he could add claims for relief under the Racketeer Influenced and Corrupt Organization Act and 42 U.S.C. §§ 1983 and 1985, *see* Rule 59 Mot. (Doc. 28) at 2, and/or consolidate this action with another, *see id.* at 3–4.

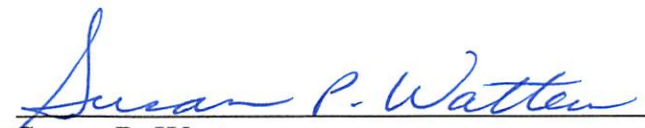
A Rule 59 motion is not a vehicle for bringing new claims not made before dismissal. So far as the Court is aware, no mechanism is available for consolidating a dismissed civil lawsuit with an administrative appeal. Fourstar's contention that he "does not have a full basis of relief," *see* Rule 59 Mot. at 4, is not accurate. He proceeded in this matter just as other plaintiffs proceed in other

matters. His pleading simply did not state a claim on which relief may be granted.

Fourstar also asserts that his complaint “nudged the claim of invidious discrimination across the line from conceivable to plausible.” *See* Rule 59 Mot. at 3. The Court found otherwise. A litigant’s disagreement with a decision or with the Court’s view of the facts underlying it is not included among the few circumstances supporting relief under Rule 59. *See, e.g., Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011). Fourstar must make his arguments to the Court of Appeals, as his recently filed Notice of Appeal will allow him to do.

Accordingly, IT IS ORDERED that Fourstar’s motion to alter or amend the judgment under Rule 59(e) (Doc. 28) is DENIED.

DATED this 11<sup>th</sup> day of January, 2019.

  
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Susan P. Watters  
United States District Judge